

## MR. AND MRS. F. WILDER TEMPLE

MARCH 25 (legislative day, MARCH 5), 1942.—Ordered to be printed

Mr. ROSIER, from the Committee on Claims, submitted the following

### REPORT

[To accompany H. R. 5977]

The Committee on Claims, to whom was referred the bill (H. R. 5977) for the relief of Mr. and Mrs. F. Wilder Temple, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1730, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1730, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5977) for the relief of Mr. and Mrs. F. Wilder Temple, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Page 1, line 6, strike out the figures "\$10,000" and insert in lieu thereof "\$5,000".

The purpose of the proposed legislation is to pay to Mr. and Mrs. F. Wilder Temple the sum of \$5,000 for the death of their son, who died as a result of being struck by a United States Army truck on the common in Upton, Mass., on September 3, 1941.

#### STATEMENT OF FACTS

On September 3, 1941, a 2½-ton Army truck, part of an official convoy, approached the common in Upton Center, Mass., at a speed of about 25 miles per hour. F. Wilder Temple, Jr., age 18, was sitting on one of the common benches with several companions, observing the convoy. The common causes the highway to curve sharply through Upton Center, so much so that a sign "Warning, Sharp Curve," is placed on the highway for all motorists to heed. While making this curve, the Government driver lost control of the truck, the vehicle left the highway, trespassed upon the common, and struck Mr. Temple, causing his death a few minutes later.

The War Department, in a report dated November 28, 1941, recommends the enactment of the legislation in whatever amount Congress, in its discretion, deems appropriate. As a result of their son's death Mr. and Mrs. Temple have expended the sum of \$455—medical, hospital, and burial expenses.

Your committee concurs in the recommendation of the War Department as to the facts of the case. Due to the fact that their son contributed to the support of both father and mother, also, Mrs. Temple has been seriously ill since the death of her son, an award of \$5,000 is recommended.

Appended hereto is the report of the War Department together with other pertinent evidence.

WAR DEPARTMENT,  
Washington, November 28, 1941.

HON. DAN R. McGEHEE,  
Chairman, Committee on Claims,  
House of Representatives, Washington, D. C.

DEAR MR. McGEHEE: The War Department will interpose no objection to the enactment of H. R. 5977, Seventy-seventh Congress, which would pay to Mr. and Mrs. F. Wilder Temple, of Upton, Mass., the sum of \$10,000 in full settlement of all claims against the United States for the death of their son, F. Wilder Temple, Jr., who died a few minutes after being struck by a United States Army truck on the Common in Upton Center, Mass., on September 3, 1941.

On September 3, 1941, at about 3:15 p. m., a 2½-ton Army truck, part of an official convoy, operated by a soldier, with another soldier as assistant driver, was approaching the Common in Upton Center, Mass., at a speed of about 25 miles per hour. The weather was clear and the roadway was hard-surfaced and dry. At the same time, F. Wilder Temple, Jr., age 18, was sitting on one of the Common benches, with several companions, observing the convoy. The Common causes the highway to curve sharply through Upton Center, so much so that a sign, "Warning, Sharp Curve," is placed on the highway for all motorists to heed. While making this curve, the Government driver lost control of his truck so that the vehicle left the highway, trespassed upon the Common, and struck Mr. Temple, causing the latter's death a few minutes later.

The driver of the Government vehicle testified that the truck in front of him was out of sight as he approached Upton, and he was trying to catch up to it. He thinks he saw the warning sign but was at the curve before he realized it. In trying to make the turn the truck got out of control, jumped the curb, and proceeded across the Common. The driver remembered nothing more until the truck came to a stop.

The board of officers appointed to investigate the accident adduced testimony to the effect that the truck was in good mechanical condition before and after the accident. The board found that the proximate cause of the accident, was the apparent mental aberration, suffered by the Government driver, probably induced by fear or excitement, which produced a temporary paralysis preventing him from reacting normally in time to avoid the accident.

No claim, arising from this accident, has been filed with the War Department.

After careful consideration of the evidence in this case, it is the view of the War Department that the proximate cause of the accident was failure on the part of the Government driver to maintain control of his vehicle so as not to trespass upon the rights of others. Since it appears that Mr. Temple came to his death through no fault or negligence on his part, but rather through such failure on the part of the Government driver, the Department, while not prepared to pass upon the exact amount that shall be allowed under the circumstances, will interpose no objection to the enactment of legislation in such amount as the Congress in its discretion may deem proper to allow.

Sincerely yours,

HENRY L. STIMSON, *Secretary of War.*

MOONEY, FRENCH, McCABE & WALKER,  
Worcester, Mass., November 18, 1941.

HON. PEHR G. HOLMES,  
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN HOLMES: First, thanks for your quick action. We, the Temple family, and many Uptonians are grateful for your interest.

I am enclosing bills in connection with the case. You may use your own judgment on what ones you wish to submit.

Do you wish us to contact any other parties in this connection? Is there any further information you would like?

I was somewhat doubtful as to what to put in the claimants' statement; there is so little they can say. I might add that Mrs. Temple has been seriously ill since the death of her son, and it is more than likely that a specialist may have to be called in an effort to help her put the death of Junior in the background. This may be something which time will heal. We shall be interested to hear of the progress of the matter, and with kind regards, remain

Sincerely yours,

HENRY C. WALKER.

MILFORD, MASS., November 18, 1941.

MOONEY, FRENCH, McCABE & WALKER,  
Worcester, Mass.

DEAR SIR: F. Wilder Temple, Jr., who was fatally injured in Upton, Mass., on September 3, 1941, had the following injuries: Deep abrasions on the chin, left side of neck and face; superficial abrasions on the upper portion of the face and forehead; extensive superficial abrasions on the posterior aspect of the right thigh and both legs; fracture of the nasal septum; separation from the sternum of the first three right ribs; partial avulsion of the right arm with rupture of the pectoral and anterior shoulder muscles; rupture of the capsule of the shoulder joint (exposing the head of the humerus); and severe laceration of the structures in the axillary space.

Sand and debris were ground into all of these lacerations and abrasions as well as into the eyes, mouth, and nares.

I believe the cause of death was hemorrhage from the axillary blood vessels and, possibly, traumatic shock.

Sincerely yours,

JOHN V. GALLAGHER, M. D.,  
Medical Examiner, Sixth Worcester District.

P. S.—It is not my practice to swear to certificates of death; the Commonwealth does not require it.

FRED E. WILLIAMS & SON,  
Upton, Mass., September 6, 1941.

Mr. FORREST W. TEMPLE:

*Funeral expenses of Forrest W. Temple, Jr.*

Professional services and equipment: Equipment, embalming, and personal services.....	\$75
Motor service: Transferring and hearse.....	25
Merchandise: Casket and cypress box.....	330
Total.....	430

Received payment October 8, 1941.

FRED E. WILLIAMS & SON,  
FRED E. WILLIAMS.

UPTON, MASS., September 5, 1941.

F. WILDER TEMPLE:  
For opening grave, \$10.

TAYLOR C. LYFORD.

UPTON, MASS., September 6, 1941.

F. WILDER TEMPLE:  
For funeral service, \$5.

Rev. WILLIAM WILLIAMS.

CLAFLIN HILL HOSPITAL,  
Milford, Mass., October 10, 1941.

F. W. TEMPLE:

For board (for son, Forrest W.) from September 3, 1941, \$5.

MAITLAND T. HOWES, R. N., Superintendent.

NOTE.—Money-order receipt stub (for \$5), dated October 11, 1941, attached.

OCTOBER 8, 1941.

Received of Mr. Temple, \$5, for professional services given his son (F. Wilder Temple, Jr.), by Dr. B. F. McKernan, September 3, 1941.

Mrs. B. McKERNAN.

## STATEMENT OF F. WILDER TEMPLE AND LILLIAN M. TEMPLE

*Know All Men by These Presents:*

That we, Wilder Temple and Lillian M. Temple, are the parents of F. Wilder Temple, Jr., who was killed by an Army truck, at the Common, in Upton Center, Mass., on September 3, 1941. He was our only son, born June 20, 1923.

For the greater part of the past year, up to the date of his death, he was employed at various places in Upton and West Upton, and was contributing to the support of our home. We now have one child, a daughter, who is a student.

Our son was entirely blameless in this accident; he did what he could to escape death. As a result of this great misfortune we, his parents, have been put to great expense in medical treatment, funeral expenses, and have lost a source of income which was assured us for probably 6 or 7 years to come, when he would have reached the age of marriage.

F. WILDER TEMPLE.  
LILLIAN M. TEMPLE.

NOVEMBER 8, 1941.

COMMONWEALTH OF MASSACHUSETTS,

Worcester, ss:

Then personally appeared before me F. Wilder Temple and Lillian M. Temple, both of Upton, Mass., personally known to me, and known to be the parents of the late F. Wilder Temple, Jr., of Upton, who executed the foregoing instrument, and made oath to the same, to be of their own knowledge, information and belief, before me.

[SEAL]

HENRY C. WALKER,  
Notary Public.

UPTON, MASS., November 8, 1941.

*To Whom It May Concern:*

This is to certify that I, Bernard F. McKernan, M. D., attended Forrest Temple, Jr., age 19, of this town, on September 3, 1941, at about 2:30 p. m. on the Common, Upton, Mass. Upon arrival at the scene of accident I first observed the patient pinned under the front axle of an Army truck, unconscious and bleeding freely from a large gash in his right armpit. The right axillary artery was immediately clamped to arrest bleeding and a dressing was applied. Patient was given stimulants by hypodermic injections and aid en route to hospital. My diagnosis was (1) shock, (2) concussion of brain, (3) torn right axillary artery, (4) secondary hemorrhage, (5) fracture dislocation of right shoulder, (6) multiple fractured ribs on right side, (7) multiple contusions and abrasions of entire body.

BERNARD F. MCKERNAN, M. D.

COMMONWEALTH OF MASSACHUSETTS,

Worcester, ss:

NOVEMBER 8, 1941.

Subscribed and sworn to before me.

HENRY C. WALKER, Notary Public.

THE COMMONWEALTH OF MASSACHUSETTS—OFFICE OF THE SECRETARY

COPY OF MEDICAL EXAMINER'S CERTIFICATE OF DEATH

Upton (city or town making return)

Registered No. 21

Place of death: Worcester County, Milford (on way to hospital).

Full name: Forest Wilder Temple, Jr.

Residence: Milford Street, Upton, Mass. In this community 18 years, 2 months, 13 days.



## PERSONAL AND STATISTICAL PARTICULARS

Sex: Male. Color of race: White. Single.  
Age: 18 years, 2 months, 13 days.  
Usual occupation: Felt hats.  
Industry or business: William Knowlton Sons Co.  
Social Security No. 024-16-0199.  
Birthplace: Milford, Mass.  
Name of father: Wilder Temple.  
Birthplace of father: Upton, Mass.  
Maiden name of mother: Lillian M. Hopkins.  
Birthplace of mother: Upton, Mass.  
Informant: Wilder Temple (father), Milford Street, Upton, Mass.  
A true copy.  
Attest:

[SEAL]

CATHERINE L. COYNE, *Registrar.*

Date filed: September 9, 1941.

## MEDICAL CERTIFICATE OF DEATH

Date of death: September 3, 1941.

I hereby certify that I have investigated the death of the person above-named and that the cause and manner thereof are as follows: Hemorrhage from axillary blood vessels.

Accident, suicide, or homicide: Accident.

Date of occurrence: September 3, 1941.

Where did injury occur? Upton.

Did injury occur in or about the home, on farm, in industrial place, or in public place? Public place.

Manner of injury: Struck by a truck.

Nature of injury: Nearly complete avulsion of right arm.

While at work? No. Was there an autopsy? No.

Was disease or injury in any way related to occupation of deceased? No.

(Signed) JOHN V. GALLAGHER, M. D.

MILFORD, MASS., *September 4, 1941.*

Place of burial: Lakeview, Upton.

Date of burial: September 5, 1941.

Name of funeral director: Fred E. Williams &amp; Son.

Address: Main Street, Upton, Mass.

Received and filed: September 10, 1941.

GEORGE G. NEWTON, *Registrar.*

## THE COMMONWEALTH OF MASSACHUSETTS, UNITED STATES OF AMERICA

## CERTIFICATE OF DEATH

I, the undersigned, hereby certify that I hold the office of clerk of the town of Upton, county of Worcester, and Commonwealth of Massachusetts, that the records of deaths required by law to be kept are in my custody, and that the following is a true copy from the records of deaths, as certified by me:

Date of death: September 3, 1941.

Place of death: Milford, on way to hospital.

Name: Forest Wilder Temple, Jr.

Sex: Male. Color or race: White. Single.

Age: 18 years, 2 months, 13 days.

Residence at time of death: Milford Street, Upton, Mass.

Occupation: Felt hats.

Place of birth: Milford, Mass.

Name of father: Wilder Temple. Birthplace of father: Upton, Mass.

Name of mother (maiden name): Lillian M. Hopkins. Birthplace of mother: Upton, Mass.

Disease or cause of death: Hemorrhage from axillary blood vessels. Accident, September 3, 1941, at Upton, public place, struck by a truck, nearly complete avulsion of right arm. John V. Gallagher, Milford, Mass., medical examiner, September 4, 1941.

Place of internment: Lakeview Cemetery, Upton.

Date of record: September 10, 1941.

And I do hereby certify that the foregoing is a true copy from said records.

Witness my hand and seal of said town of Upton on this 11th day of September 1941.

[SEAL]

GEORGE G. NEWTON, *Clerk.*

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